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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,321	11/14/2003	Clifford Shiroku Shimizu	MV03-006	1232

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EXAMINER

LUI, DONNA V

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n No.	Applicant(s)	
	10/713,321	SHIMIZU, CLIFFORD SHIROKU	
	Examiner	Art Unit	
	Donna V. Lui	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) 1 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Pri rity under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. **Claim 1** is objected to because of the following informalities: Grammatical errors. The examiner would like to suggest the following for correction.

Claim 1, line 8: two application groups associated with each of said at least two processors.

Appropriate correction is required.

2. **Claim 4** is objected to because of the following informalities: Grammatical errors. The examiner would like to suggest the following for correction.

Claim 4, line 2: processor utilization ~~asseeiate~~ associated with each of said at least two processors.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-4, 7, 9-13, 16, 18-22, 25 and 27** are rejected under 35 U.S.C. 102(b) as being anticipated by Advani et al. (Patent Number: 6,057,839).

With respect to **Claim 1**, Advani teaches a method for displaying processor usage (*column 4, lines 30-34; column 5, lines 54-57*), comprising: displaying on a display device a first graphic type indicative of a processor where one of the first graphic type is displayed for each one of at least two processors in a multiprocessor system (*column 6, lines 26-28; column 7, lines 58-64; note that the first graphic type is equivalent to a window having an instantaneous display such as a bar graph*); displaying on the display device a second graphic type indicative of an application group (*column 9, lines 9-14; figure 6A; note that the second graphic type is equivalent to a line graph in a window and an application group is equivalent to processor activity*) where one of the graphic type is displayed for each one of at least two application programs (*See figure 6A column 9, lines 15-18; note that the graphic type is a line graph and the application programs which are equivalent to processor activities are shown as variations in lines*) and wherein at least one graphic type is displayed for each of the at least two application groups associated each of the at least two processors (*See figure 6A; column 9, lines 15-18; note that the graphic type is a line graph associated processors 0-3*).

With respect to **Claim 10**, Claim 10 differs from claim 1 in that claim 1 is a method whereas claim 10 is an apparatus and recites the additional limitation “an apparatus for displaying processor usage, comprising: a multiprocessor system comprising a memory; a display device in electrical communication with the multiprocessor system; computer-executable instructions stored in the memory and operable.” Advani teaches an apparatus for displaying processor usage (*column 3, lines 25-27; See figures 1 and 2*), comprising: a multiprocessor system comprising a memory (*column 4, lines 51-59; See figures 1 and 2, elements 140, 135 and*

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125); a display device in electrical communication with the multiprocessor system (*See figure 1, element 105*); computer-executable instructions stored in the memory and operable (*column 4, lines 61-64*). Thus, the apparatus of claim 10 is analyzed as previously discussed with respect to the method of claim 1.

With respect to **Claim 19**, Claim 19 differs from claim 1 in that claim 1 is a method whereas claim 19 is a computer-readable medium and recites the additional limitation “a computer-readable medium bearing computer readable instructions for carrying out the acts comprising.” Advani teaches a computer-readable medium bearing computer readable instructions for carrying out the acts comprising providing a visualization tool about a large number of processors and their activity (*column 3, lines 25-27; column 4, lines 59-64*). Thus, the computer-readable medium of claim 10 is analyzed as previously discussed with respect to the method of claim 1.

With respect to **Claims 2, 11, and 20**, Advani teaches the method as recited in claim 1 wherein the second graphic type comprises a color indicative of an application group (*column 9, lines 40-43; note that the reference states the term “alternate graph” which is a display of processor activity equivalent to an application group*).

With respect to **Claims 3, 12, and 21**, Advani teaches the method as recited in claim 1 further comprising a graphic indicator indicating a group of the at least two processors wherein the group is indicative of a processor clustering (*See figure 6B, element 625; column 9, lines 38-*

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40 and lines 58-60; note that processor clustering is equivalent to average processor utilization for all processors).

With respect to **Claims 4, 13, and 22**, Advani teaches the method as recited in claim 1 further comprising a graphic indicator of processor utilization associated with each of the at least two processors (*column 6, lines 54-57; column 7, lines 58-64; a graphic indicator of processor utilization is equivalent to the instantaneous displays*).

With respect to **Claims 7, 16, and 25**, Advani teaches the method as recited in claim 4 wherein the graphic comprises a bar (*column 7, line 63*).

With respect to **Claims 9, 18, and 27**, the method as recited in claim 1, Advani teaches an application group comprises at least one independently, computer-executable process (*column 9, lines 15-18; note that processor activity is equivalent to a computer-executable process*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. **Claims 5-6, 14-15, and 23-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Advani as applied to claims 1 and 4 above, and further in view of Manghirmalani et al. (Patent Number: 5,819,028).

With respect to **Claims 5, 14, and 23**, the method as recited in claim 4, Advani does not teach the graphic indicator comprises a gauge.

Manghirmalani teaches a graphic indicator comprises a gauge (*See figure 3; column 8, lines 16-19*).

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use a graphic indicator comprising a gauge, as taught by Manghirmalani to the method for displaying processor usage of Advani so as to provide the operator with an easy-to-understand dial meter (*column 9, lines 4-5*).

With respect to **Claims 6, 15, and 24**, the method as recited in claim 5, Advani does not teach gauge bands reflecting ranges of processor utilization.

Manghirmalani teaches a dial meter reflecting ranges of a health score for a network or device (*column 8, lines 39-53*). Manghirmalani teaches the health score as correlated to processor utilization, where a health score of 5 corresponds to processor utilization of 55%.

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to have a gauge band reflect ranges of processor utilization to the method for displaying processor usage of Advani so as to provide the operator with an easy-to-understand dial meter (*column 9, lines 4-5*).

5. **Claims 8, 17, and 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over Advani as applied to claim 1 above, and further in view of Chin et al. (Patent No.: 6,456,306 B1).

With respect to **Claims 8, 17, and 26**, the method as recited in claim 1, Advani does not teach blocks associated with the graphic indicator to indicate an application group assigned to a processor.

Chin teaches blocks associated with the graphic indicator to indicate an application group assigned to a processor (*See figure 6, elements 601-603; column 6, lines 48-52; note that the icon is in the shape of a block*).

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to have blocks associated with the graphic indicator to indicate an application group assigned to a processor, as taught by Chin, to the method for displaying processor usage of Advani so as to provide a quick glance to the user which processor is experiencing problems (*column 6, lines 52-54*).

Conclusion

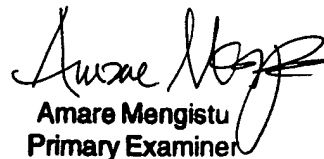
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donna V. Lui whose telephone number is (571) 272-4920. The examiner can normally be reached on Monday through Friday 8:30 a.m. - 5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571)272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Donna V Lui
Examiner
Art Unit 2629


Amare Mengistu
Primary Examiner